

CHAPTER 6*
COMPLAINT PROCEDURES
[Previously ch 1, renumbered 10/20/75 Supp.]
[Prior to 10/8/86, Commerce Commission[250]]

199—6.1(476) Inquiry. Any person may seek assistance from the Iowa utilities board by appearing in person or placing a telephone call to the Consumer Services Section, Iowa Utilities Board, Des Moines, Iowa, (515)281-3839 or toll-free (877)565-4450. Consumer services may advise the person of the application of the rules, inform the person of utility complaint procedures and advise of written complaint procedures before the board. However, the complaint procedures set forth below are available only after a written complaint is filed.

199—6.2(476) Complaint. Any person or body politic may file a written complaint requesting a determination of the reasonableness of rates, charges, schedules, service, regulations or anything done or not done by a public utility subject to service or rate regulation by the board. Assistance may be requested in the following manner.

6.2(1) Information to be filed: Any person may, by mailing a complaint letter, request the board to determine whether the utility's charges, practices, facilities or service are in compliance with applicable statutes and rules established by the board, or by the utility in its tariff, and lawfully issued board orders. The board may initiate a complaint on its own motion. The complaint letter must be signed and dated by the complainant or by the complainant's representative and addressed to Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319. The letter should include:

a. The name of the utility, any utility personnel known or believed to be familiar with the facts stated in the letter and the location of the office of the utility where the complaint was originally made and processed.

b. The name of the complainant. If the complaint is being filed on behalf of a person other than the complainant, an affidavit from the person injured by the practice about which the complaint is made should be included stating that the complaint has been received and is believed to be true and accurate to the best of the knowledge of the injured person. A complaint filed by an organization on behalf of its members shall include an affidavit signed by an officer of the organization.

c. The address of the premises where the service or billing problems occurred and, if known, the telephone number and the account number. If the complainant resides at a different address, the complaint should also state where a response to the complaint is to be mailed. The complainant may also provide a telephone number where the complainant can be reached during the day.

d. The nature of the complaint, and efforts made to resolve the matter. Documents—e.g., bills or correspondence—should be included if they will add to the board's understanding of the utility practice about which the complaint is made. If known, references to statutes or rules believed to govern the outcome of the complaint should be included.

e. A proposal for resolving the complaint. The proposal should refer to any known statutes or rules authorizing the remedy request.

6.2(2) Request for additional information. If the staff determines that additional information is needed in order to resolve the complaint, the complainant will be notified that specified additional information should be filed. Action on the complaint will be held in abeyance until receipt of the requested information.

199—6.3(476) Processing the complaint. When the board receives a complaint that includes necessary information outlined in rule 6.2(476), the following complaint procedures will be followed:

6.3(1) The complaint letter and any supplemental information filed by the complainant will be forwarded to the public utility.

6.3(2) A copy of the complaint and any supplemental information will be forwarded by the staff to the consumer advocate.

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6.3(3) The utility shall, within 20 days of the date on which the complaint is mailed to the utility by the board, file a response to the complaint with the board and shall mail a copy of its response to the complainant and the consumer advocate. The utility shall specifically address each allegation made by the complainant and recite any supporting facts, statutes, rules, or tariff provisions supporting its response. The utility shall enclose copies of all related letters, records, or other documents not supplied by the complainant, and all records concerning the complainant that are not confidential or privileged. In those cases the response shall advise of the records' existence.

199—6.4(476) Proposed resolution.

6.4(1) When the utility response is received, the staff may request from any party any additional information deemed necessary to resolve the complaint. When satisfied that all necessary information has been gathered, the staff will respond by letter to the complainant with a copy to the utility and consumer advocate acknowledging resolution of the complaint or proposing an appropriate resolution of the complaint.

6.4(2) If the staff determines that the action required by the proposed resolution has not been carried out, or new facts arise, the record may be reopened by issuing notice to the parties of further investigation.

199—6.5(476) Initiating formal complaint proceedings.

6.5(1) If the consumer advocate, complainant, or the public utility is dissatisfied with the proposed resolution, a request for formal complaint proceedings may be made. Parties will be informed of their right to request formal proceedings. A request for civil penalties, in accordance with Iowa Administrative Code 199—Chapter 8, may also be filed at this time. Failure to file a request for civil penalties at this time does not preclude a party from requesting civil penalties at a later date during formal proceedings. If no request for formal proceedings is made within 14 days after issuance of the proposed resolution or the specified date of utility action, the proposed resolution will be deemed binding on all parties. The board may initiate formal proceedings and seek civil penalties at any time on its own motion.

6.5(2) The request for formal complaint proceedings shall be filed within 14 days after issuance of the proposed resolution or the specified date of utility action, whichever is later. The request shall be considered as filed on the date of the United States Postal Service postmark or the date personal service is made. The request shall be in writing and must be delivered by United States Postal Service or personal service. The request shall include the file number (C-XX-XXX) marked on the proposed resolution. It shall explain why the proposed resolution should be modified or rejected and propose an alternate resolution, including any temporary relief desired. Copies of the request shall be mailed to the consumer advocate and the parties.

6.5(3) Upon receipt of a request for formal complaint proceedings, the board shall consider whether formal complaint proceedings should be initiated and issue an order. If the board denies formal complaint proceedings, a party may file a petition for judicial review either in the Polk County district court or in the district court for the county in which the party resides or has its principal place of business pursuant to Iowa Code section 17A.19. If formal complaint proceedings are initiated, an order will be issued docketing the case as a formal complaint and granting or denying, in whole or in part, any temporary relief requested.

199—6.6(476) Applicable procedures. When the complaint is docketed as a formal proceeding, the procedures set forth in Chapter 7 of these rules will apply.

199—6.7(476) Record. The written complaint and all supplemental information shall be made part of the record in the formal complaint proceeding.

These rules are intended to implement Iowa Code sections 476.2, 476.3 and 546.7.

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